Angel & Hyde Nursery, Barnham

Variation to Condition 18

November 2019

1. Background

Redrow Homes have made a Section 73 application in relation to planning permission BN/43/16/PL for "95 No. dwellings together with access, landscaping open space & associated works" to vary condition 18.

Condition 18 states:

The development hereby permitted shall not be commenced until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the LPA after consultation with the CHA.

Redrow Homes have requested this condition is varied from a pre commencement requirement, to a pre occupation requirement.

2. Reasoning

Redrow Homes are aware that the off-site highway works are required to service development, however, it is considered inefficient and a waste of resources to implement the off-site highway works prior to the initial construction phases of development (particularly work in relation to ground levels which could involve earth being moved to or from the site). The way the condition is currently worded would result in a newly implemented road being subject to significant wear and tear which Redrow, or the County Council, will be liable to repair. It would be a better use of resources to allow the initial construction phase of development to be completed, with the implementation of the off-site highway works after these initial works.

Following discussions with the County Council, Redrow Homes are aware that the County Council would not object to such a proposal (which has been reinforced by the County's response to the consultation).

The off-site highway works are not required to make the construction work acceptable; and it is very likely that a temporary construction access will be created to the western end of the site fronting Yapton Road (which will be detailed in any construction management plan sent to the Council to discharge condition 27). As the Council will be aware, the variation of condition 18 will result in a new decision notice, so until this has been issued, discharging condition 27 becomes a paper exercise that will need to be repeated against the any new decision associated with this section 73 application.

Arun District Council are acutely aware of the need to be efficient with resources, with Councillors having declared a climate emergency; and Redrow Homes would hope that driving for efficient working and reducing waste would be central to this declaration.

3. Sales Strategy

West Sussex County Council have confirmed they do not object to the principle of the change to the condition. However, they are concerned that sales and viewing may take place during construction and before first occupation. The County Council do not want a construction access to be used by members of the public. The County have also asked about details of the Construction Management Plan.

The County are correct to identify that sales and viewings are very likely take place prior to the first occupation. Redrow Homes are always keen to ensure there is as little interaction between those visiting a sales area and the construction traffic to reduce risks to a minimum. Redrow Homes' current strategy would be to create a temporary construction access to the west of the site, with the proposed main access into the site utilised by a sales arena to the east of the site.

4. Summary

Redrow Homes are sympathetic to the concerns of the County Council relating to conflict between a sales area and construction traffic. Redrow Homes would be content to see the proposed timing varied from the proposed "pre occupation", however, as the use of the houses as a sales area would require planning permission in its own right, it does not appear to be possible to tie the requirement of the highway works to a sales area planning application.

Redrow Homes have considered other stages of development late in the process as a potential trigger, such as second fix, or similar; but these works relate to internal finishes that may be difficult to clearly identify; and may not be effective to manage compliance with the condition. We would welcome suggested alternatives from the Council in relation to a trigger that is at a point when houses are substantially complete, but is prior to commencement.